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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,484	12/21/2000	Rahul R. Vaid	RVZ-003.01	8996

26231 7590 07/29/2005

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EXAMINER

BRUCKART, BENJAMIN R

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 07/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/746,484	VAID, RAHUL R.	
	Examiner	Art Unit	
	Benjamin R. Bruckart	2155	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 April 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                                    |

### **Detailed Action**

#### **Status of Claims:**

Claims 1-23 are pending in this Office Action.

Claims 1-9, 11-23 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,154,744 by Kenner et al.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 6,804,558 by Hallerton et al in view of U.S. Patent No 6,804,558 by Fan et al.

### **Response to Arguments**

Applicant's arguments filed in the amendment filed 4/14/05, have been fully considered but they are not persuasive. The reasons are set forth below.

#### **Applicant's invention as claimed:**

**Claims 1-9, 11-23 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,804,558 by Hallerton et al.**

Regarding claim 1, an apparatus for aggregating device communications (Haller: col. 8, lines 2-26), the apparatus comprising:

a plurality of local ports, each local port configured to establish bi-directional data communications with a local device, and each local port using a different communication protocol (Haller: col. 23, lines 30-35);

a remote access port, the remote access port configured to establish bi-directional wireless data communications in a dedicated manner with a service provider (Haller: col. 8, lines 8-15; col. 18, lines 21-37); and

a processing system for converting data signals between a form adapted to one of the plurality of local ports and a form adapted to the remote access port (Haller: col. 8, lines 19-25; col. 12, lines 28-40; col. 15, lines 27-41).

Regarding claim 2, the apparatus of claim 1, the processing system further comprising a port processing unit that converts data signals between a form adapted to more than one of the plurality of local ports into a form adapted to a multiple access air interface of the remote access port (Haller: col. 8, lines 19-25; col. 12, lines 28-40; col. 15, lines 27-41).

Regarding claim 3, the apparatus of claim 1, the processing system further comprising a shared signal processing unit that converts data signals between a form adapted to more than one of the plurality of local ports into a form adapted to a single channel of the remote access port (Haller: col. 23, lines 47- col. 24, line 28).

Regarding claim 4, the apparatus of claim 1, wherein the apparatus is shaped and sized to be worn by a person (Haller: Fig. 1 and 2).

Regarding claim 5, the apparatus of claim 1 wherein the plurality of local ports include at least one of a Bluetooth port, a HomeRF port, an IrDA port, a wireless Ethernet port, a wired serial port, a wired parallel port, or a wireless local area network port (Haller: col. 23, lines 30-45).

Regarding claim 6, the apparatus of claim 1 wherein the remote access port includes a wireless port (Haller: col. 18, lines 38-61).

Regarding claim 7, the apparatus of claim 6 wherein the wireless port includes at least one of a CDMA port, a TDM port, a GSM port, a PCS port, or a third generation cellular telephony port (Haller: col. 8, lines 42-56).

Regarding claim 8, the apparatus of claim 1, the service provider connected in a communicating relationship with the remote access port through an air interface establishing bi-directional

wireless data communications with the remote access port, and the service provider including an Internet connection, whereby a local device connected in a communicating relationship with one of the plurality of local ports may communicate through the Internet (Haller: col. 19, lines 11-16).

Regarding claim 9, the apparatus of claim 1 further comprising a local device connecting in a communicating relationship with one of the plurality of local ports, the local device including at least one of a personal digital assistant, a notebook computer, a laptop computer, a cellular phone, a palm computer, or a wearable computer (Haller: col. 8, lines 42-56).

Regarding claim 11, the apparatus of claim 1, the remote access port including a plurality of data channels, the bi-directional wireless data communications being distributed among two or more of the plurality of data channels (Haller: col. 42, lines 48-63).

Regarding claim 12, the apparatus of claim 1 wherein the body is at least one of a portable accessory, a modular add-on device, or a base station accessory (Haller: Figures 1-3).

Regarding claim 13, the apparatus of claim 1, the processing system further comprising one or more processors that convert traffic between data for more than one of the plurality of local ports and data for a logical channel of the remote access port (Haller: col. 8, lines 19-25; col. 12, lines 28-40; col. 15, lines 27-41).

Regarding claim 14, the apparatus of claim 1, the processing system further comprising one or more processors that convert traffic between data for more than one of the plurality of local ports and data for a plurality of logical channels of the remote access ports (Haller: col. 8, lines 19-25; col. 12, lines 28-40; col. 15, lines 27-41).

Regarding claim 15, the apparatus of claim 1 further comprising a services unit that provides network services to the plurality of local ports (Haller: col. 6, lines 50-62).

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Regarding claim 16, the apparatus of claim 15, the network services including at least one of device connectivity, error detection and correction, load balancing, caching, traffic management, congestion control, file sharing, printer sharing, and distributed computing (Haller: col. 18, lines 16- col. 19, line 10).

Regarding claim 17, the apparatus of claim 1 wherein the plurality of local ports comprise a terminal port cluster, the terminal port cluster including a plurality of connectors, each connector adapted to removably receive a modular device port, the modular device port adapted to a single communications technique (Haller: col. 14, lines 39-54).

Regarding claim 18, a system for aggregating device communications (Haller: col. 8, lines 2-26), the apparatus comprising:

- a plurality of local communications means for maintaining communications with one or more local devices (Haller: col. 23, lines 30-35);

- a remote communications means for maintaining wireless communications in a dedicated manner with a service provider (Haller: col. 8, lines 19-25); and

- a converting means for converting data signals between a form adapted to the plurality of local communications means and the remote communications means (Haller: col. 19, lines 11-16).

Regarding claim 19, a method for aggregating device communications (Haller: col. 8, lines 2-26), the method comprising:

- receiving local data from a plurality of local devices (Haller: col. 23, lines 30-35);

- converting the local data into converted local data, the converted local data having a form suitable for transmission over a wireless communication link (Haller: col. 8, lines 19-25; col. 12, lines 28-40; col. 15, lines 27-41);

- transmitting the converted local data in a dedicated manner over the wireless communication link (Haller: col. 18, lines 38-61);

receiving network data from a service provider in a dedicated manner over the wireless communication link (Haller: col. 19, lines 11-16);

converting the network data into converted network data, the converted network data having a form suitable for transmission to one or more of the plurality of local devices (Haller: col. 41, lines 50-67); and

transmitting the converted network data to one or more of the plurality of local devices (Haller: col. 41, lines 50-67).

Regarding claim 20, the method of claim 19 wherein converting the local data includes multiplexing (Haller: col. 8, lines 19-25; col. 12, lines 28-40; col. 15, lines 27-41) the local data into a plurality of data streams corresponding to more than one channel of a multiple access wireless interface (Haller: col. 42, lines 48-63).

Regarding claim 21, the method of claim 19 wherein converting the local data includes sequentially converting the local data from selected ones of the plurality of local devices (Haller: col. 12, lines 9-40; col. 29, lines 15-29).

Regarding claim 22, the method of claim 19 wherein converting the local data includes prioritizing the plurality of local devices and converting data from a selected one of the plurality of local devices according to a priority of the selected one of the plurality of local devices (Haller: col. 12, lines 9-40; col. 29, lines 15-29).

Regarding claim 23, a apparatus for aggregating device communications (Haller: col. 8, lines 2-26), the apparatus comprising:

a plurality of local ports, each local port configured to establish bi-directional data communications with a local device, and each local port using a different communication protocol (Haller: col. 23, lines 30-35);

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a remote access port, the remote access port configured to establish bi-directional, wireless, data communications in a dedicated manner with a service provider (Haller: col. 8, lines 8-15; col. 18, lines 21-37);

a processing system for converting data signals between a form adapted to one of the plurality of local ports and a form adapted to the remote access port (Haller: col. 8, lines 19-25; col. 12, lines 28-40; col. 15, lines 27-41); and

a services unit that provides network services to one or more local devices connected to the plurality of local ports (Haller: col. 6, lines 50-62).

**Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 6,804,558 by Hallerton et al in view of U.S. Patent No 6,804,558 by Fan et al.**

Regarding claim 10,

The Hallerton reference teaches the apparatus of claim 9.

The Hallerton reference does not explicitly state wearable glass computer or wearable audio computer.

The Fan reference teaches a wearable computer including at least one of a wearable eyeglass computer or a wearable audio computer (Fan: abstract; col. 3, lines 4-30).

The Fan reference further teaches the invention provides the advantage of allowing the user to see or hear voice or video data, which Hallerton seeks (Hallerton: col. 42, lines 64-col. 43, line 10).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the apparatus for aggregating device communications as taught by Hallerton while employing audio and eye glass computer as taught by Fan in order to provide to the user audio and voice data (Hallerton: col. 42, lines 64- col. 43, line 10).

**REMARKS**



Applicant has amended the independent claims to remove “body” and “wearable body” and has added the data communications “in a dedicated manner.”

**The Applicant Argues:**

Applicant argues with respect to the independent claims that Haller reference does not teach data communicates “in a dedicated manner.” Applicant cites support for the argument in Figures 1 and 9 and somewhere in the specification. Applicant argues the mobile telephone may be used for personal purposes and therefore is not used in a dedicate manner because it does not override the normal functions.

**In response**, the examiner respectfully submits:

The Haller reference does teach the limitation as claimed. Haller col. 30, lines 38-49 teach “the present invention that the IMD, communication module and/or mobile telephone or PDA can remain in continuous... communication with replace system.” A continuous communication would denote “a dedicate manner.” Further the examiner can find nowhere in the reference where the mobile telephone is used for another purpose such as personal use as argued by applicant. Use in a dedicated manner does not teach prioritization or overriding normal functions, it does teach single, dedicated or only the use of a medium for one task or purpose such as a fax machine connected to a phone line or a continuous communication between two devices. The examiner has examined the instant application’s Figures 1 and 9, and while they do outline communication between the communication module and remote service they fail to distinguish the application from the prior art.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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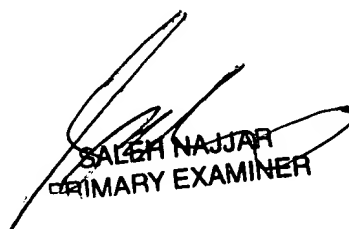
MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R. Bruckart whose telephone number is (571) 272-3982. The examiner can normally be reached on 8:00-5:30PM with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Benjamin R Bruckart  
Examiner  
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brb



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PRIMARY EXAMINER